IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1511 OF 2004

Mr. Suresh Pathoor Rao ...Petitioner

V/s.

Mr. Suresh Kadri & Anr ...Respondents

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Mr. S.R. Chitnis with Sunil R. More for petitioner

Mr. Deelip Bodke, Adv. for respondent No.1.

Mr. I.S. Thakur, A.P.P. for the State.

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CORAM: H.L. GOKHALE AND
SMT. V.K. TAHILRAMANI, JJ.

DATE : 24TH AUGUST, 2004

P.C..

1. Heard Mr. Chitnis with Mr. More for the petitioner, Mr. Bodke for respondent No.1 and Mr. Thakur, A.P.P. for the State.

2. This petition seeks quashing of the C.C. No. 654/2000 now numbered as R.C.C. 265/2004, pending against the petitioner and two others. The statement of Mr. Chitnis, appearing for the petitioner is that no case has been made out and that the petitioner's complaint is extremely belated. Mr. Thakur, the learned A.P.P. however, informed that now the charge sheet has been filed. This being the position, the better course for the petitioner will be to apply for discharge in the

Magistrate’s Court. Mr. Chitnis seeks leave to withdraw this petition with liberty to apply in the Magistrate’s Court. Liberty granted as prayed for. Petition is allowed to be withdrawn and disposed of as such.

3. The application for discharge when filed before the Magistrate’s Court, will be decided as expeditiously as possible.